

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JUNE 18, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-27749 - APPLICANT: TOWER REALTY & DEVELOPMENT, LLC - OWNER: 701 SHADOW, LLC**

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**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Social Service Provider use.
2. Conformance to the conditions for Rezoning (Z-0020-97), Major Modification [Z-0020-97(33)], Major Modification (MOD-5212), Variance (VAR-5214), Variance (VAR-5512), Variance (VAR-5511), Site Development Plan Review (SDR-5213), Site Development Plan Review (SDR-26390), and Special Use Permit (SUP-26391) shall be required.
3. Social Service Provider (Aid for Aids Nevada) is approved for Suite #170, on the first floor encompassing 3,562 square feet, and Social Service Provider (UMC Medical, Cancer & Blood) approved within Suite #300 on the third floor encompassing 2,926 square feet.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Special Use Permit to replace an expired Special Use Permit (SUP-8639) to allow the operation of Social Service Providers (UMC Medical, Cancer & Blood and Aid for Aids Nevada) at 701 Shadow Lane. The Social Service Provider (Aid for Aids Nevada) will occupy 3,562 square feet of floor space on the first floor within Suite #170, and the second Social Service provider (UMC Medical, Cancer & Blood) will occupy 2,926 square feet of floor space on the third floor within Suite #300. The building consist of medical office space on the first three floors (10,510, 10,278, and 10,501 square feet respectively) for a total of 31,289 square feet, and the fourth floor consists of ten apartment units for a total of 9,230 square feet. The total square footage of the four-story building is 40,519 square feet.

The applicant assumed that the building permit would preserve the active status of Special Use Permit (SUP-8639), when in fact a final inspection was required prior to the expiration date (10/19/07) of the Special Use Permit. An Extension of Time was not applied for.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/27/97	The City Council approved a Request for Rezoning (Z-0020-97) on properties located between Alta Drive and Charleston Boulevard and Martin L. King Boulevard and Rancho Drive, which included the subject property. The Planning Commission and staff recommended approval.
06/19/02	The City Council approved a Major Modification [Z-0020-97(33)] to the Las Vegas Medical District Neighborhood Plan to update and revise the Plan document, as part of the City's General Plan for the area located between Alta Drive and Charleston Boulevard and Martin L. King Boulevard and Rancho Drive, which included the subject property. The Planning Commission and staff recommended approval.

12/15/04	The City Council approved a Major Modification (MOD-5212) to the Las Vegas Medical District Plan for the subject property from MD-2 (Major Medical) to MD-1 (Medical Support). Accompanying requests were also approved for a Variance (VAR-5214) to allow 149 parking spaces where 170 parking spaces are required; a Variance (VAR-5512) to allow a building height of 51 feet 2 inches where 45 feet is the maximum building height allowed; a Variance (VAR-5511) to allow a 36.5 foot setback where 84 feet is required for compliance with residential adjacency standards, a 13-foot rear yard setback where 25 feet is required for a parking structure, and to allow a reduction in streetscape and perimeter landscaping requirements; and a Site Development Plan Review (SDR-5213) for a 31,293 square foot medical office development. The Planning Commission approved the requests and the staff recommended denial.
10/19/05	The City Council approved a request for a Special Use Permit (SUP-8639) for a proposed social service provider adjacent to the East side of Shadow Lane, approximately 70 feet North of Bearden Drive. The Planning Commission and staff recommended approval. The Special Use Permit was not exercised and expired on 10/20/07.
02/28/08	The Planning Commission approved a request for a Site development Review (SDR-26390) for a Major Amendment to an approved Site Development Review (SDR-5213) to add a fourth story consisting of ten residential units to an approved three-story, 31,289 square-foot medical office development at 701 Shadow Lane. Final action with Planning Commission and staff recommended approval.
02/28/08	The Planning Commission approved a request for a Proposed Mixed-Use Development (SUP-26391) at 701 Shadow Lane. Final action with Planning Commission and staff recommended approval.
05/22/08	<a href="#">The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #9/lhm).</a>
<b><i>Related Building Permits/Business Licenses</i></b>	
02/20/97	A business license (#C14-00083) was issued for a clinic / lab / x-rays / imaging in Suite 300.
12/12/97	A business license (#N31-00185) was issued for non-profit community services in Suite 170.
09/19/06	A building permit (#6005962) was issued for on-site improvements for the Shadow Lane Office Building. The permit expired on 01/12/08.
02/05/07	A building permit (#7000495) was renewed for a certificate of completion, parking structure. The Building & Safety Department are awaiting revisions and the permit has an inspection on hold.
04/27/07	A building permit (#6005963) was renewed for a shell office building. The Building & Safety Department are awaiting revisions and the permit has an inspection hold.

08/06/07	A building permit application was processed for revised shop drawings. The permit was not issued.
12/07/07	A building permit (#102931) was issued for a tenant improvement, Suite 170.
12/11/07	A building permit application (#103819) was processed for a tenant improvement, Suite 310. The permit was not issued.
12/21/07	A building permit (#103645) was issued for a tenant improvement, Suite 200.
01/04/08	A building permit (#96002) was issued for a tenant improvement, Suite 300.
04/21/08	A building permit application was processed for three-story window mullions. The permit was not issued.
<b><i>Pre-Application Meeting</i></b>	
04/11/08	A pre-application meeting was held with staff to discuss the process for requesting a Special Use Permit in order to satisfy the licensing requirements for a Social Service Provider use.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for a Special Use Permit, and one was not held.	

<b><i>Field Check</i></b>	
04/14/08	A site visit to the location revealed a long narrow parcel containing a three-story building fronting onto Shadow Lane. Behind the building is a three-story parking garage.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	1.66

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Medical Office Building	MD-1 (Medical Support)	PD (Planned Development)
North	Clark County Health Center	MD-2 (Major Medical)	PD (Planned Development)
South	Offices	P-O (Professional Office)	PD (Planned Development)
East	Warehouse	MD-2 (Major Medical)	PD (Planned Development)
West	Shadow Lane / Parking Lot	MD-2 (Major Medical)	PD (Planned Development)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Las Vegas Medical District	X		Y
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
PD (Planned Development) District	X		Y
A-O (Airport Overlay) District (175 feet)	X		Y
Live/Work Overlay District	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

### Las Vegas Medical District

The subject site is located within the Southeast Sector of the General Plan. More specifically, the subject property is located within the area of the Las Vegas Medical District (LVMD), which is itself an element of the General Plan. The land use designation for the subject property is MD-1 (Medical Support) per the approved Major Modification (MOD-5212) to the Las Vegas Medical District Plan. The Medical Support category is intended to allow less intense medical and medically related office and professional uses within the LVMD.

### DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Social Service Provider	6,488 g.f.a.	1 space / 300 s.f. of g.f.a	177	6		6	
SubTotal			177	6	146	6	
TOTAL (including handicap)			183		151 (VAR-5214 allows 148 spaces).		Yes
Loading Spaces	Not required per VAR-5214.						

Variance (VAR-5214) was previously approved to allow 148 parking spaces where 178 are required and zero loading spaces where two are required.

## **ANALYSIS**

- **Land Use and Zoning**

The property is zoned PD (Planned Development). The PD (Planned Development) zoning district was established to accommodate the Las Vegas Medical District (LVMD) Plan established for the area. The land use designation for the property is MD-1 (Medical Support). A proposed Social Service use is permitted within the MD-1 (Medical Support) zoning district with the approval of a Special Use Permit.

- **Use**

According to Title 19.20, a Social Service Provider is, “a facility that provides assistance to persons with limited ability for self-care, but for whom medical care is not a major element. The term includes a facility that provides assistance concerning psychological problems, employment, learning disabilities or physical disabilities, but does not include a rescue mission or homeless shelter, or an adult day care center.” The Las Vegas Medical District allows Social Services by means of a Special Use Permit in the MD-1 (Medical Support) district.

The first Social Service Provider (UMC Medical, Cancer & Blood) proposes to locate within 2,926 square feet of the third floor of the building within Suite #300, and the second Social Service Provider (Aid for Aids Nevada) proposes to locate within the 3,562 square feet of the first floor of the building within Suite #170. Both uses are oriented toward the counseling of patients inflicted with health problems.

- **Conditions**

There are no base conditions for a Social Service Provider in the MD-1 (Medical Support) district. However, per the Las Vegas Medical District (LVMD) Land Use Designation, the use is required to comply with the Special Use Permit requirements of Title 19, in addition to the Las Vegas Medical District (LVMD) standards. Site Development Plan Review (SDR-5213) and (SDR-26390), Special Use Permit (SUP-26391), and related Variances (VAR-5214, VAR-5511, and VAR-5512) were approved for development of the property. The proposed Social Service Providers do not alter the conditions established for this property.

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The subject property is located within the Las Vegas Medical District (LVMD) and the proposed Social Service Providers are to be located within a building zoned MD-1 (Medical Support). The surrounding uses are predominantly medical and professional office within a medical district. The proposed Social Service Providers are compatible uses with the existing uses in the Las Vegas Medical District (LVMD).

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site has previously been approved for a Social Service Provider with Special Use Permit (SUP-8639), which has since expired. This mixed-use development is within the MD-1 (Medical Support) district providing both medical office space, and residential housing. The subject site is physically suitable for the intensity of land use proposed.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the subject property will be provided from Shadow Lane. Access drives and parking areas were previously approved pursuant to Site Development Review (SDR-5213) and Site Development Review (SDR-26390).

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

A Special Use Permit will not be inconsistent with or compromise the public health, safety, welfare, or the overall objectives of the general Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

There are no standard conditions listed for the Social Service Provider use.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

19

**ASSEMBLY DISTRICT**      6

**SENATE DISTRICT**      4

**NOTICES MAILED**      71 by City Clerk

**APPROVALS**      1

**PROTESTS**      0